



**In the
Court of Appeals
Second Appellate District of Texas
at Fort Worth**

MANDATE

THE STATE OF TEXAS

To the 67th District Court of Tarrant County, Greetings:

On April 19, 2018, the Court of Appeals for the Second District of Texas affirmed in part, reversed in part and vacated in part your judgment in the following case:

James McGibney and ViaView, Inc. v. Neal Rauhauser, No. 02-16-00244-CV (067-270669-14).

The Court of Appeals entered the following judgment or order:

This court has considered the record on appeal in this case and holds that there was error in the trial court's judgment. It is ordered that the judgment of the trial court is affirmed in part and reversed in part. We affirm that some amount of attorney's fees should be awarded to Neal Rauhauser, but we reverse the trial court's judgment as to the amount of attorney's fees awarded and remand this case to the trial court to conduct a hearing on attorney's fees consistent with this opinion. We vacate the portions of the trial court's judgment regarding the imposition of non-monetary sanctions, the \$150,000 sanctions award, the

“willfulness and maliciousness” findings, and the improper conditioning of appellate attorney’s fees.

It is further ordered that Appellee Neal Rauhauser shall pay all of the costs of this appeal, for which let execution issue.

Accordingly, we command you to observe the order of the Court of Appeals.

BY ORDER OF THE COURT OF APPEALS FOR THE SECOND DISTRICT OF TEXAS, with the seal thereof annexed, at the City of Fort Worth, on November 20, 2018.



DEBRA SPISAK, CLERK

Debra Spisak